

Fill in this information to identify the case:

Debtor 1 Jimmie C. Byrd

Debtor 2 \_\_\_\_\_  
(Spouse, if filing)

United States Bankruptcy Court for the: Northern District of Ohio

Case number 19-17289-jps

## Official Form 410S1

# Notice of Mortgage Payment Change

12/15

If the debtor's plan provides for payment of postpetition contractual installments on your claim secured by a security interest in the debtor's principal residence, you must use this form to give notice of any changes in the installment payment amount. File this form as a supplement to your proof of claim at least 21 days before the new payment amount is due. See Bankruptcy Rule 3002.1.

U.S. Bank Trust National Association, as

Name of creditor: Trustee of the Tiki Series III Trust

Court claim no. (if known): 10-1

Last 4 digits of any number you use to identify the debtor's account:

3 3 2 1

Date of payment change:

Must be at least 21 days after date of this notice

10/01/2021

New total payment:

Principal, interest, and escrow, if any

\$ 1,863.52

### Part 1: Escrow Account Payment Adjustment

#### 1. Will there be a change in the debtor's escrow account payment?

No

Yes. Attach a copy of the escrow account statement prepared in a form consistent with applicable nonbankruptcy law. Describe the basis for the change. If a statement is not attached, explain why: \_\_\_\_\_

Current escrow payment: \$ 731.14

New escrow payment: \$ 895.99

### Part 2: Mortgage Payment Adjustment

#### 2. Will the debtor's principal and interest payment change based on an adjustment to the interest rate on the debtor's variable-rate account?

No

Yes. Attach a copy of the rate change notice prepared in a form consistent with applicable nonbankruptcy law. If a notice is not attached, explain why: \_\_\_\_\_

Current interest rate: \_\_\_\_\_ %

New interest rate: \_\_\_\_\_ %

Current principal and interest payment: \$ \_\_\_\_\_ New principal and interest payment: \$ \_\_\_\_\_

### Part 3: Other Payment Change

#### 3. Will there be a change in the debtor's mortgage payment for a reason not listed above?

No

Yes. Attach a copy of any documents describing the basis for the change, such as a repayment plan or loan modification agreement. (Court approval may be required before the payment change can take effect.)

Reason for change: \_\_\_\_\_

Current mortgage payment: \$ \_\_\_\_\_

New mortgage payment: \$ \_\_\_\_\_

**Part 4: Sign Here**

The person completing this Notice must sign it. Sign and print your name and your title, if any, and state your address and telephone number.

*Check the appropriate box.*

I am the creditor.  
 I am the creditor's authorized agent.

**I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.**

 /s/ Molly Slutsky Simons

Signature

Date 08/06/2021

Print: Molly Slutsky Simons  
First Name Middle Name Last Name

Title Attorney for Creditor

Company Sottile & Barile, Attorneys at Law

Address 394 Wards Corner Road, Suite 180  
Number  Street   
Loveland OH 45140  
City  State  ZIP Code

Contact phone 513-444-4100 Email bankruptcy@sottileandbarile.com

JIMMIE BYRD  
 28935 CANNON RD  
 SOLON OH 44139

Analysis Date: August 04, 2021

Final

Property Address: 28935 CANNON ROAD SOLON, OH 44139

Loan: [REDACTED]

**Annual Escrow Account Disclosure Statement  
 Account History**

This is a statement of actual activity in your escrow account from Feb 2020 to Sept 2021. Last year's anticipated activity (payments to and from your escrow account) is next to the actual activity.

<b>Payment Information</b>		<b>Current:</b>	<b>Effective Oct 01, 2021:</b>	<b>Escrow Balance Calculation</b>	
Principal & Interest Pmt:		967.53	967.53	Due Date:	Aug 01, 2021
Escrow Payment:		731.14	895.99	Escrow Balance:	(721.49)
Other Funds Payment:		0.00	0.00	Anticipated Pmts to Escrow:	1,462.28
Assistance Payment (-):		0.00	0.00	Anticipated Pmts from Escrow (-):	0.00
Reserve Acct Payment:		0.00	0.00	Anticipated Escrow Balance:	\$740.79
Total Payment:		\$1,698.67	\$1,863.52		

<b>Date</b>	<b>Payments to Escrow</b>		<b>Payments From Escrow</b>		<b>Escrow Balance</b>		
	<b>Anticipated</b>	<b>Actual</b>	<b>Anticipated</b>	<b>Actual</b>	<b>Description</b>	<b>Required</b>	<b>Actual</b>
Feb 2020	731.14			*	Starting Balance	2,116.25	(16,336.96)
Feb 2020			2,065.50	*	Homeowners Policy	2,847.39	(16,336.96)
Mar 2020	731.14	1,051.68	1,657.00	*	Homeowners Policy	2,847.39	(18,402.46)
Apr 2020	731.14	1,439.75		*		1,921.53	(17,350.78)
May 2020	731.14	525.84		*		2,652.67	(15,911.03)
Jun 2020	731.14	525.84		*		3,383.81	(15,385.19)
Jul 2020	731.14	1,051.68	3,383.81	3,732.85	County Tax	4,114.95	(14,859.35)
Aug 2020	731.14	525.84		*		1,462.28	(17,540.52)
Sep 2020	731.14	525.84		*		2,193.42	(17,014.68)
Oct 2020	731.14			*		2,924.56	(16,488.84)
Nov 2020	731.14	1,587.18		*		3,655.70	(16,488.84)
Dec 2020	731.14			*		4,386.84	(14,901.66)
Jan 2021	731.14	1,587.18	3,732.85	3,841.43	County Tax	5,117.98	(14,901.66)
Jan 2021		64.76		*	Escrow Only Payment	2,116.27	(17,155.91)
Feb 2021		793.59		*		2,116.27	(17,091.15)
Feb 2021			2,216.09	*	Homeowners Policy	2,116.27	(16,297.56)
Mar 2021		731.14		*		2,116.27	(18,513.65)
Apr 2021		731.14		*		2,116.27	(17,782.51)
May 2021		731.14		*		2,116.27	(17,051.37)
Jun 2021		731.14		*		2,116.27	(16,320.23)
Jun 2021		548.94		*		2,116.27	(15,589.09)
				*	Escrow Only Payment	2,116.27	(15,040.15)

Jun 2021		3,841.43	* County Tax	2,116.27	(18,881.58)
Jul 2021	731.14	*		2,116.27	(18,150.44)
Jul 2021	419.09		* Escrow Only Payment	2,116.27	(17,731.35)
Aug 2021	17,009.86		* Escrow Only Payment	2,116.27	(721.49)
			Anticipated Transactions	2,116.27	(721.49)
Aug 2021	731.14				9.65
Sep 2021	731.14				740.79
		<hr/>	<hr/>	<hr/>	
	\$8,773.68	\$32,775.05	\$8,773.66	\$15,697.30	

An asterisk (\*) indicates a difference from a previous estimate either in the date or the amount. If you want a further explanation, please call our toll-free number.

Last year, we anticipated that payments from your account would be made during this period equaling 8,773.66. Under Federal law, your lowest monthly balance should not have exceeded 1,462.28 or 1/6 of the anticipated payment from the account, unless your mortgage contract or State law specifies a lower amount. Your mortgage contract and State law are silent on this issue.

**Annual Escrow Account Disclosure Statement**  
**Projections for Coming Year**

This is an estimate of activity in your escrow account during the coming year based on payments anticipated to be made to and from your account.

<b>Date</b>	<b>Anticipated Payments</b>		<b>Description</b>	<b>Escrow Balance</b>	
	<b>To Escrow</b>	<b>From Escrow</b>		<b>Anticipated</b>	<b>Required</b>
			Starting Balance		
Oct 2021	824.91			740.79	3,299.68
Nov 2021	824.91			1,565.70	4,124.59
Dec 2021	824.91			2,390.61	4,949.50
Jan 2022	824.91	3,841.43	County Tax	3,215.52	5,774.41
Feb 2022	824.91			199.00	2,757.89
Mar 2022	824.91	2,216.09	Homeowners Policy	(367.27)	2,191.62
Apr 2022	824.91			457.64	3,016.53
May 2022	824.91			1,282.55	3,841.44
Jun 2022	824.91			2,107.46	4,666.35
Jul 2022	824.91	3,841.43	County Tax	(909.06)	1,649.83
Aug 2022	824.91			(84.15)	2,474.74
Sep 2022	824.91			740.76	3,299.65
	<hr/> <u>\$9,898.92</u>	<hr/> <u>\$9,898.95</u>			

(Please keep this statement for comparison with the actual activity in your account at the end of the escrow accounting computation year.)

Your escrow balance contains a cushion of 1,649.83. A cushion is an additional amount of funds held in your escrow balance to prevent the balance from becoming overdrawn when an increase in the disbursement amount occurs. Under Federal law, your lowest monthly balance should not exceed 1,649.83 or 1/6 of the anticipated payment from the account, unless your mortgage contract or State law specifies a lower amount. Your mortgage contract and State law are silent on this issue.

Your ending balance from the last month of the account history (escrow balance anticipated) is 740.79. Your starting balance (escrow balance required) according to this analysis should be \$3,299.68. This means you have a shortage of 2,558.89. This shortage may be collected from you over a period of 12 months or more unless the shortage is less than 1 month's deposit, in which case we have the additional option of requesting payment within 30 days. We have decided to collect it over 36 months.

We anticipate the total of your coming year bills to be 9,898.95. We divide that amount by the number of payments expected during the coming year to obtain your escrow payment.

**New Escrow Payment Calculation**

Unadjusted Escrow Payment	824.91
Surplus Amount:	0.00
Shortage Amount:	71.08
Rounding Adjustment Amount:	0.00
<b>Escrow Payment:</b>	<b>\$895.99</b>

**Paying the shortage:** If your shortage is paid in full, your new monthly payment will be \$1,792.44 (calculated by subtracting the Shortage Amount to the left and rounding, if applicable). Paying the shortage does not guarantee that your payment will remain the same, as your tax or insurance bills may have changed. If you would like to pay the shortage now, please pay the entire amount of the shortage before the effective date of your new payment. To ensure that the funds are posted to your account correctly, please notify your asset manager that you are paying the shortage.

**NOTICE OF RIGHT TO CANCEL PRIVATE MORTGAGE INSURANCE:** If you currently pay private mortgage insurance premiums, you may have the right to cancel the insurance. In most cases, you have the right to cancel private mortgage insurance if the principal balance of your loan is 80 percent or less of the current fair market appraised value of your home, and you have a good payment history on your loan. If you want to learn whether you are eligible to cancel this insurance, please contact us at 323 Fifth Street, Eureka, Ca 95501 or 800-603-0836.

**\* Please note if you have autopay/EFT set up on your loan, it is your responsibility to make sure your payment amount is updated. Enclosed is the EFT form that needs to be completed. Once completed, please fax to the number listed on the EFT form or return in the self-addressed envelope.**

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
CLEVELAND DIVISION**

In Re:

Case No. 19-17289-jps

Jimmie C. Byrd

Chapter 13

Debtor.

Judge Jessica E. Price Smith

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**CERTIFICATE OF SERVICE**

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I certify that on August 6, 2021, a true and correct copy of this Notice of Mortgage Payment Change was served:

Via the Court's ECF System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Lee R. Kravitz, Debtor's Counsel  
[leekravitz@sbcglobal.net](mailto:leekravitz@sbcglobal.net)

Lauren A. Helbling, Trustee  
[ch13trustee@ch13cleve.com](mailto:ch13trustee@ch13cleve.com)

Office of the U.S. Trustee  
[\(registeredaddress\)@usdoj.gov](mailto:(registeredaddress)@usdoj.gov)

And by regular U.S. Mail, postage pre-paid on:

Jimmie C. Byrd, Debtor  
28935 Cannon Road  
Solon, OH 44139

Respectfully Submitted,

/s/ Molly Slutsky Simons  
Molly Slutsky Simons (0083702)  
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Attorney for Creditor